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ABSTRACT

Presented in tabular form as the result of a national survey are features of the architectural laws of all 50 States and the District of Columbia which relate to architectural barriers experienced by physically handicapped individuals. Legislative acts are listed in alphabetical order by State, and information is provided on the following aspects: the act's number and effective date, whether the act adopts standards recommended by the American National Standards Institute for making buildings accessible to the handicapped, whether sanctions for noncompliance are included, whether the act includes publicly funded buildings, whether publicly used but privately owned buildings are included, whether the law covers remodeling, whether leased buildings are included, the authority responsible for enforcement, whether inspection of new buildings is mandated, and any related remarks (such as existence of a waiver clause). Acts date from 1963 through 1973. (DB)

U.S. DEPARTMENT OF HEALTH
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A SURVEY OF STATE LAWS

TO REMOVE

BARRIERS

August 1973

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

Washington, D. C. 20210

The purpose of this publication is to highlight the prominent features of each state's architectural barrier law. Since we first published this information in 1971 many states have amended existing laws or adopted new ones. As a result, a new survey was undertaken and the data collected used as a basis for this updated edition. If more complete information is required on a particular law, we recommend that you write to the Governor's Committee on Employment of the Handicapped of the state involved.

COMMITTEE ON BARRIER FREE DESIGN

<u>STATE</u>	<u>LEGISLATION & DATE EFFECTIVE</u>	<u>ADOPTS ANSI* STANDARDS</u>	<u>SANCTIONS FOR NONCOMPLIANCE</u>	<u>INCLUDES PUBLICLY FUNDED BUILDINGS</u>	<u>INCLUDES PUBLICLY USED, PRIVATELY OWNED BUILDINGS</u>
Alabama	Leg. Act: #224 8/9/65	Yes	No	Yes	No
Alaska	Leg. Act: #303 Amended by Senate Chapter #119 1/1/67	Yes		Yes	No
Arizona	Leg. Act: #113 Chapter #65 1/1/68 Leg. Act: #2045 July, 1973	Yes		Yes	Yes

*"Standards of A.N.S.I." Shall refer to the American National Standards Institute Standards for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped. (ANSI 117.1-1971.)

<u>EXPLICITLY COVERS REMODELING</u>	<u>LEASED BUILDINGS</u>	<u>RESPONSIBLE FOR ENFORCEMENT</u>	<u>INSPECTION OF NEW BUILDINGS</u>	<u>REMARKS</u>
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No	No	Where State school funds are utilized--by the State Board of Education. Where other State funds are utilized--by the chief of technical staff of the State Building Commission. Where funds of counties, municipalities or other political sub-divisions are utilized--by the governing bodies thereof.	Yes	
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Department of Public Works.

Waiver Clause:
"The regulations of the department shall conform as far as it is feasible" to the Standards of A.N.S.I.*"

No	No	For constructing buildings or facilities for a State university or college --by the Arizona Board of Regents. For a junior college--by the governing body of the junior college district. For a public common school or high school district--by the governing body of the common or high school district. Where other State funds are utilized--by the State agency responsible for planning and supervising the construction. Where funds of other political sub-divisions are utilized for construction--by the governing bodies thereof.		
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<u>STATE</u>	<u>LEGISLATION & DATE EFFECTIVE</u>	<u>ADOPTS ANSI STANDARDS</u>	<u>SANCTIONS FOR NONCOMPLIANCE</u>	<u>INCLUDES PUBLICLY FUNDED BUILDINGS</u>	<u>INCLUDES PUBLICLY USED, PRIVATELY OWNED BUILDINGS</u>
Arkansas	Leg. Act: #122 H.B. #257 2/21/67	Yes	No	Yes	No
California	Leg. Act: Assembly Bill #2238 A.B. 710 6/7/71	Yes	No	Yes	Yes
Colorado	Leg. Act: S.B. #47 5/27/65	Yes	No	Yes	No
Connecticut	Leg. Act: H.B. #3863 Public Act #216 6/23/65 H.B. #8518 1/1/73	(In part only.)		Yes	Yes

<u>EXPLICITLY COVERS REMODELING</u>	<u>LEASED BUILDINGS</u>	<u>RESPONSIBILITY FOR ENFORCEMENT</u>	<u>INSPECTION OF NEW BUILDINGS</u>	<u>REMARKS</u>
No	No	By the Department of Health.	Yes	
Yes	Yes	Where State funds are utilized--by the Director of the Dept. of General Services. Where funds of other political sub-divisions are utilized--by the governing bodies thereof; privately funded by the building Dept. of city or county where built.	Yes Gov't. No Private	Bill also includes sidewalks, curbs, and related facilities.
No	No	Where State funds are utilized--by the division of public works. Where funds of other political sub-divisions are utilized--by the governing bodies thereof.	No	
Yes		Dept. of Public Works.		Waiver Clause: The public works commissioner can "set aside or modify any particular standard or specification when it is determined that it is impractical and would work an unusual hardship or unreasonably complicate the construction, alteration or repair in question."

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Delaware	S.B. 264 6/30/73	No; criteria contained in law.	No	Yes	No
District of Columbia	Executive Order #65-413 3/30/65	No		Yes	No
Florida	Leg. Act: #225 (1961) Amended 7/1/65 Amended 7/1/72	Yes		Yes	No

<u>EXPLICITLY COVERS REMODELING</u>	<u>LEASED BUILDINGS</u>	<u>RESPONSIBILITY FOR ENFORCEMENT</u>	<u>INSPECTION OF NEW BUILDINGS</u>	<u>REMARKS</u>
Yes	No	Secretary of the Department of Administrative Services.	Yes	Waiver Clause: "For good and sufficient reason stated in writing concerning severe economic hardship to the State or to the political subdivision involved", Waivers judged by special review committee.
		Department of Buildings and Grounds.		Waiver Clause: "Design modifications to accommodate handicapped persons shall be made to the extent feasible without adding significantly to the cost of construction."
Yes	Yes	By the "contracting authority" in question.		Waiver Clause: "Insofar as financially reasonable in the opinion of said contracting authority, such facilities shall conform with the (standards of A.N.S.I.)

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Georgia	Leg. Act: SB/412/CA/1 4/3/72	No		Yes	No
Hawaii	Leg. Act: #260 H.B. #158 7/16/69	Yes		Yes	No
Idaho	Leg. Act: H.B. #21 Chapter #5 7/1/67	Yes		Yes	No

Illinois	Leg. Act: H.B. #2416 1/1/68	Yes	Yes	Yes	Yes
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Indiana	Leg. Act: Chapter #49 10/24/69	Yes	No	Yes	No
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<u>EXPLICITLY COVERS REMODELING</u>	<u>LEASED BUILDINGS</u>	<u>RESPONSIBILITY FOR ENFORCEMENT</u>	<u>INSPECTION OF NEW BUILDINGS</u>	<u>REMARKS</u>
Yes		State Fire Marshall.		
No, although enforcing agency has policy rela- tive to re- modeling.	No	Dept. of Accounting and General Services.	Yes	
		The contracting officer or authority of the State or its political sub-divisions.		Waiver Clause: Facilities and features for the physically handi- capped shall be provided "to the extent deemed fea- sible by the con- tracting officer or authority of the State or said political sub-divi- sions. Insofar as is feasible in the opinion of said contracting officer or author- ity, such facili- ties shall con- form with the (standards of A.N.S.I.)"
Yes	Yes	Department of General Services.	No	Waiver Clause: "This standard shall be applied, to the extent deemed feasible, in cases of re- modeling."
No	No	Administrative Building Council	Yes	

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Iowa	Leg. Act: Chapter #104A Code of Iowa Sen. File #352 4/22/65	Yes		Yes	No
Kansas	Leg. Act: S.B. #517 1/1/69	Yes		Yes	No
Kentucky	No Law				
Louisiana	Leg. Act: #204 H.B. #100 6/28/66	Yes	Yes	Yes	No
Maine	Leg. Act: H.P. #1114- L.D. #1583 Creating Part #7, Chapter #331 6/6/67 Also S.P. #100- L.D. #310 (3/13/69) L.D. #657 (4/2/73)	Yes	Yes	Yes	No

<u>EXPLICITLY COVERS REMODELING</u>	<u>LEASED BUILDINGS</u>	<u>RESPONSIBILITY FOR ENFORCEMENT</u>	<u>INSPECTION OF NEW BUILDINGS</u>	<u>REMARKS</u>
		State Building Code Commissioner.	Yes	
Yes (if remodeling is in excess of 25% of gross area.)		For all school build- ing construction and construction where State funds are utili- zed--by the architec- tural division of the State department of administration. Where funds of counties, municipalities or other political sub-divisions are utilized--by the governing bodies thereof.		
No	No	State Fire Marshall	No	
Yes (When reconstruc- tion costs exceed \$100,000.)	No	Where school funds are utilized--by the Commis- sioner of Education. Where State funds are utilized--by the Direc- tor of Public Improve- ments. Where county or municipal funds are utilized--by the govern- ing bodies thereof.	Yes	

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Maryland	Leg. Act: S.B. #404 Added new Sec #51 to Article #78a 7/1/68	Yes	No	Yes	No

Massachusetts	Leg. Act: S.B. #1427 Chapter #22 As amended by Chapter #724. Also Leg. Act: #3537 1/21/68	Yes		Yes	No
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<u>EXPLICITLY COVERS REMODELING</u>	<u>LEASED BUILDINGS</u>	<u>RESPONSIBILITY FOR ENFORCEMENT</u>	<u>INSPECTION OF NEW BUILDINGS</u>	<u>REMARKS</u>
No		Where State school funds are utilized--by the State Department of Education. Where other State funds are utilized or where construction is upon state-owned land--by the General Services Administration. Where the funds of counties or other political sub-divisions are utilized--by the governing bodies thereof.	Yes	Possible Waiver clauses: This act contains provision stating that barrier free public buildings and facilities should be suitably marked by an "accessible to the handicapped" symbol. Act also applies to publicly funded--publicly used transportation accommodations which are engaged in mass transportation.
Yes		Where State school funds are utilized--by the respective governing body. Where State funds are utilized--by the superintendent of public buildings. Where funds of counties, municipalities or other political sub-divisions are utilized--by the governing bodies thereof.		

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Michigan	Leg. Act: #1 Public Acts 1966 7/1/66 and Leg. Act: #243 Public Acts of 1970- amending above 7/1/71	Yes	Yes	Yes	Yes
Minnesota	State Build- ing Code 6/1/71	Yes	Yes	Yes	Yes
Mississippi	Leg. Act: S.B. #2131 7/1/72	No	Yes	Yes	No
Missouri	Leg. Act: H.B. #311 1967	No	No	Yes	No
Montana	Leg. Act: H.B. #345 Chapter #223 Montana Session Laws 3/8/65	Yes	Yes	Yes	No

<u>EXPLICITLY COVERS REMODELING</u>	<u>LEASED BUILDINGS</u>	<u>RESPONSIBILITY FOR ENFORCEMENT</u>	<u>INSPECTION OF NEW BUILDINGS</u>	<u>REMARKS</u>
Yes	No	Where State School funds are utilized--by the Department of Education. The State Building Division will enforce rules for all other buildings through building inspectors and others.	No	
Yes		State Building Code Inspector.	Yes	
Yes	No	State Board of Health.	No	Waiver Clause: "Except where such compliance is impractical in the opinion of the State Board of Health."
No	No	Where State funds are utilized, either the State Dept. of Education or the division of planning and construction. Where funds of counties, municipalities or other political sub-divisions are utilized--the governing bodies thereof.	No	
No	No	Where State school funds are utilized--the superintendent of public instruction. Where State funds are utilized--by the State controller. Where funds of counties, municipalities or other political sub-divisions are utilized--by the governing bodies thereof.	No	

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Nebraska	Leg. Act: #584 11/16/65	Yes		Yes	No
Nevada	Leg. Act: S.B. #446 3/13/73	Yes	No	Yes	No
New Hampshire	Leg. Act: H.B. #59 7/1/65	Yes	No	Yes	No
New Jersey	Leg. Act: Assemble Bill #1192 A.B. #355 1972	Yes		Yes	No

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Where State school funds are utilized--by the Commissioner of Education. Where State funds are utilized--by the Commissioner of Labor. Where funds of counties, municipalities or other political subdivisions are utilized--by the governing bodies thereof.

No

No

"All plans and specifications for the constructions of public buildings and facilities by the state or by a political sub-division, district, authority, board or public corporation or entity of the state shall provide facilities and features for the physically handicapped to the extent deemed feasible by the contracting officer or authority."

No

No

Where State school funds are utilized--by State board of education. Where other State funds are utilized--Department of Public Works. Where funds of counties, municipalities or other political subdivisions are utilized--by the governing bodies thereof.

Contracting authority.

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New Mexico	Leg. Act: H.B. #303 Chapter #194 3/25/65	Yes	Yes	Yes	No
New York	Leg. Act: Chapter #656 9/1/72	Yes	Yes	Yes	Yes
North Carolina	State Building Code 3/13/73	No	Yes	Yes	Yes

<u>EXPLICITLY COVERS REMODELING</u>	<u>LEASED BUILDINGS</u>	<u>RESPONSIBILITY FOR ENFORCEMENT</u>	<u>INSPECTION OF NEW BUILDINGS</u>	<u>REMARKS</u>
Yes	No	State Construction Industry's Board.	Yes	Waiver Clause: Any particular standard may be waived if the governing auth- ority responsible for the construc- tion and the board find the re- quirements: "im- practicable."
Yes	Yes	The official govern- ing body or board having design approval authority.	Yes	516 municipalities subscribe to the NY State Building Code which pro- vides for accessi- ble construction.
Yes	Yes	, NC Dept. of Insurance.	Yes	

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North Dakota	Leg. Act: H.B. #1129 7/1/73	Yes	No	Yes	No

Ohio	Leg. Act: #124 Gen. Assembly Reg. Sess. 1965-6 1/1/66	No	No	Yes	No
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<u>EXPLICITLY COVERS REMODELING</u>	<u>LEASED BUILDINGS</u>	<u>RESPONSIBILITY FOR ENFORCEMENT</u>	<u>INSPECTION OF NEW BUILDINGS</u>	<u>REMARKS</u>
No	No	State Construc- tion Superin- tendent	Yes	Waiver Clause: In cases of practical difficulty, unnecessary hardship or extreme differences the State construction superin- tendent may grant exceptions from the literal requirements of the standards provided by this act or permit the use of other methods or materials, but only when it is clearly evident that reasonably equivalent facilitation and protection are thereby secured.
No	No	Board of Build- ing Standards		Waiver Clause: "The Board of Building Standards shall adopt standards, rules and regulations to facilitate the <u>reasonable</u> access and use by all handicapped persons of all public buildings and the facilities thereof erected after Jan. 1, 1966. The Board of Building Standards adopted in 1966 the A.N.S.I. standards pertaining to publicly funded buildings. Waiver Clause is in Board of Building Standards: "The chief enforcement official may permit a variance from the provisions ...where the cost of compliance would be substantially disproportionate to the total cost and anticipated use of the structure.

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Oklahoma	Leg. Act: #956 1/2/66	Yes	No	Yes	No
Oregon	Leg. Act: H.B. #1074 Unknown	Yes	Yes	Yes	No
Pennsylvania	Leg. Act: #348 Act of Gen. Assembly #235 9/1/65	Yes	Yes	Yes	No
Rhode Island	Leg. Act: Jan. Session 1964 1/19/64	Yes	No	Yes	No

<u>EXPLICITLY COVERS REMODELING</u>	<u>LEASED BUILDINGS</u>	<u>RESPONSIBILITY FOR ENFORCEMENT</u>	<u>INSPECTION OF NEW BUILDINGS</u>	<u>REMARKS</u>
Yes	No	Board of Public Affairs, but where funds of counties, or other poli- tical sub-divisions are involved, it shall be the governing body thereof.		Waiver Clause: Facilities shall be provided "For the handicapped to the extent deemed feasible by the contracting authority. Inso- far as feasibly and financially reasonable, in the opinion of the contracting author- ity such facili- ties shall conform with the (Stand- ards of A.N.S.I.)"
Yes	Yes	State Fire Marshall.	Yes	
No	No	Dept. of Labor and Industry.	Yes	
No	No	None	No	

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South Carolina	Leg. Act: H.B. #1438 4/27/73 R 308 and R 293, S13 5/7/63	Yes		Yes	No
South Dakota	Leg. Act: S.B. #162 Chapter # 312 40th Session 7/1/65	Yes		Yes	No
Tennessee	Leg. Act: S.B. #641 Chapter #484 2/25/70	Yes	No	Yes	No

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Yes		Where State school funds are utilized --State Educational Finance Comm. Where State funds are utilized--by the Chief of the engineering staff of the State Budget and Control Board. Where funds of counties, municipalities or other political sub-divisions are utilized--by the governing bodies thereof.		Amendment to law includes tax deduction for renovation of building or facility intended to be used and is actually used by the general public. The minimum renovation required shall include one or more of the following: ground level or ramped entrance, free movement between public use areas, and washroom and toilet facilities accessible to and usable by physically handicapped persons.
Yes		State Engineer.	Yes	Effective 7/1/71, the international symbol of access must be displayed at the entrance of public buildings and facilities in SD if such structures have provisions to accommodate wheelchair users.
No	Yes	The governmental or political department, agency, unit, or sub-division of the State, which under the law has the primary responsibility for the design of the public building.	Yes	Waiver Clause: "The minimum specifications shall be complied with...unless the Responsible Authority (in his respective area) shall determine that compliance is reasonably impracticable from either an architectural or a financial standpoint, in which event such compliance as is reasonably practicable shall be effected."

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Texas	Leg. Act: S.B. #111 Chapter # 324 1/1/70	Yes	Yes	Yes (also applies to Federally funded buildings)	No
Utah	Leg. Act: 1969	Yes	No	Yes	Yes
Vermont	Leg. Act: H. #49 7/1/67	Yes	No	Yes	No

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Yes	Yes	State Building Commission with legal support from the District Court. The governing bodies of state-supported institutions of higher education are responsible for enforcement within their jurisdiction.	Yes	
Yes	No	Where State school funds are utilized--by the State Board of Education. Where State funds are utilized--by the Utah State Building Board. Where funds of counties, municipalities or other political sub-divisions are utilized--by the governing bodies thereof.	Yes	
No	No	Where school funds are utilized--by the State Board of Education. Where other public funds are utilized--by the department of public safety.	No	Waiver Clause: "The building construction specifications at the time of construction shall, as far as practicable, be equal to ANSI 117.1.

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Virginia	Leg. Act: Chapter #539 of Acts of As- sembly, 1970 6/26/70	Yes	No	Yes	No
Washington	Leg. Act: H.B. #841 1971	Yes	No	No	Yes
	Leg. Act: H.B. #438 3/15/67	Yes		Yes	No
West Virginia	Leg. Act: H.B. #676 7/1/69	No		Yes	No

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Yes	No	Director of the Division Office of Engineering and Buildings.	No	
Yes	No	Shall lie with the build- ing department of each county, city, town or political sub-division of the State.	No	
		Where State school funds are utilized--by the superintendent of public instruction. Where State funds are utilized--by the State agency having the statutory authority for design and construc- tion of buildings covered by this Act. Where funds of counties, municipali- ties, or other political subdivisions are utilized --by the respective gov- erning bodies thereof.		
	No	Director of the Division of Vocational Rehabilita- tion of the State Board of Education.		Waiver Clause: "The director shall have the authority to ex- empt buildings and facilities from the provi- sions of this article...in whole or part, if, in his opinion, compliance there- with would cre- ate a financial hardship, be im- practical or serve no benefit."

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Wisconsin	Leg. Act: Assembly Bill #30 Chapter #207 Laws of 1969 7/1/70	No		Yes	Yes
Wyoming	Leg. Act: S.F. #71, 40th Session 1/1/70	Yes	Yes	Yes	No

EXPLICITLY
COVERS
REMODELING

LEASED
BUILDINGS

RESPONSIBILITY
FOR
ENFORCEMENT

INSPECTION OF
NEW BUILDINGS

REMARKS

State Department of
Industry, Labor and
Human Relations or
in lieu thereof with
the approval of the
municipality wherein
the building is loca-
ted.

Limited to pro-
viding "reason-
able means of
ingress and egress
by the physically
handicapped..."

No

State Fire Marshall

Yes

Waiver Clause:
"If it appears
that said fea-
tures would
impose an un-
reasonable ex-
pense upon the
contracting au-
thority which
would more than
offset the bene-
fits obtained by
their inclusion,
the State Fire
Marshall, with
the advice and
counsel of the
Director of Voc-
ational Rehabili-
tation, may waive
said requirements.